



TALLAHASSEE POLICE DEPARTMENT

GENERAL ORDERS

 Proudly Policing Since 1826	SUBJECT Prearrest Delinquency Citation Program		 Nationally Accredited 1986
	CHIEF OF POLICE <div style="text-align: center; margin-top: 10px;"><i>Signature on File</i></div>		
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AUTHORITY/RELATED REFERENCES

FS 847.0141, Sexting
 FS 985.12, Prearrest Delinquency Citation Program
 General Order 6, Arrests and Alternatives to Arrest General
 Order 32, Juvenile Procedures and Programs

ACCREDITATION REFERENCES

CALEA Chapters 1, 44

KEY WORD INDEX

Additional Sexting Violations CIB Responsibilities for Sexting Citations Criteria for Issuing A Non-Criminal Sexting Citation Criteria for Prearrest Delinquency Citation Issuance Documentation Requirements (PDC) Documentation Requirements for Sexting Investigations Evidence Collection for Sexting Investigations Non-Criminal Sexting Prearrest Delinquency Citation Liaison Responsibilities Procedures for Issuing a Prearrest Delinquency Citation Procedures for Issuing a Sexting Citation Supervisor Responsibilities (PDC) Supervisor Responsibilities (Sexting)	Procedure XII Procedure XIII Procedure VII Procedure I Procedure III Procedure X Procedure IX Procedure VI Procedure V Procedure II Procedure VIII Procedure IV Procedure XI
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POLICY

Florida Statute authorizes the Department to establish a Prearrest Delinquency Citation Program to provide alternatives to arresting misdemeanor juvenile offenders while ensuring the juvenile is held accountable for their action without creating a criminal record. Florida Statute also authorizes the members to issue

TALLAHASSEE POLICE DEPARTMENT

non-criminal citations for sexting offenses. Members are responsible for adhering to established protocols concerning the issuance of both citations.

DEFINITIONS

Minor or Child: Any person, whose identity is known or unknown, younger than 18 years of age. (Throughout this policy, the term “juvenile” is used for the PDC, and refers to the same definition as minor.)

Prearrest Delinquency Citation: The PD Form (PD 405B) is utilized to document a juvenile’s participation in the Prearrest Delinquency Citation Program.

Prearrest Delinquency Citation Case Manager: An employee of DISC Village who coordinates the administration of the Prearrest Delinquency Citation Program and reports on each juvenile’s progress in the program.

Prearrest Delinquency Citation Program (PDC): A formal process established through the Chief Judge of the 2nd Judicial Circuit, the State Attorney, and the Public Defender, which permits an arresting officer to offer a juvenile in custody up to fifty (50) hours of community service in lieu of being charged with a criminal offense.

Sexting: Producing and distributing sexually explicit images or messages, as outlined in FS 847.0141.

Sexting Non-Criminal Citation: The PD Form (PD 337) is utilized to document a juvenile’s participation in the Sexting Non-Criminal Citation Agreement.

Sexual Conduct: The actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother’s breastfeeding of her baby does not under any circumstances constitute “sexual conduct.”

PROCEDURES

I. CRITERIA FOR PREARREST DELINQUENCY CITATION ISSUANCE

An officer shall issue a Prearrest Delinquency Citation (PDC) upon contacting a juvenile offender who is subject to arrest when **all** of the following criteria are met:

TALLAHASSEE POLICE DEPARTMENT

- A. The juvenile must be under 18 years of age.
- B. The juvenile resides within the 2nd Judicial Circuit (Leon, Franklin, Wakulla, Liberty, Jefferson, or Gadsden County).
- C. The juvenile admits to committing a misdemeanor offense within the 2nd Judicial Circuit.
- D. The juvenile is not a validated gang member per FS 874.
- E. Any restitution must be determined and satisfied within 7(seven) days of entry into the program.
- F. The juvenile and a parent/guardian agree to the issuance of the PDC,
- G. The offense committed is not traffic-related.
- H. The offense committed did not involve a firearm.
- I. If the offense is domestic-related, the officer shall use their discretion on whether to make an arrest or issue a citation (and should consider the age of the involved, likelihood of future violence, severity of injuries, consult with their Sergeant, etc.).
- J. Sexting offenses are NOT eligible due to defined sanctions that are not compatible with PDCs, but instead, juveniles committing sexting offenses should be issued a sexting citation.
- K. The juvenile does not have more than one failure to complete a prearrest delinquency citation.
- L. There is no limit to the number of prearrest delinquency citations for a juvenile; however, the juvenile shall not be enrolled in any diversionary program at the time of the offense.
- M. Reasonable attempts must be made to contact any victim(s) with an advisement of their rights per Marsey's Law.

II. PROCEDURES FOR ISSUING A PREARREST DELINQUENCY CITATION

- A. Upon determining probable cause exists for the arrest of a juvenile, officers are responsible for determining the eligibility of the juvenile for issuance of a PDC as described in section I above:

Officers can determine if a juvenile is currently participating in a PDC Program or has more than one failure to comply with sanctions by contacting the Juvenile Assessment Center (JAC) or by accessing the Juvenile Justice Information System (JJIS).

- B. Officers shall advise the juvenile of the option to refuse the PDC.
- C. If the juvenile offender refuses the PDC and is arrested, the officer shall transport the juvenile to the JAC without delay (unless the juvenile requires emergency medical treatment).
- D. The signature of the juvenile on the PDC attests to their agreement.
- E. Officers shall ensure the right thumbprint of the juvenile is placed in the bottom right corner on the PDC.
- F. Officers shall explain the PDC program to the parent/guardian and should request the parent to respond to pick up the juvenile.
- G. Officers shall not assess more than fifty (50) community service hours to a juvenile receiving a PDC.
- H. The Prearrest Delinquency Citation Case Manager may require participation in intervention services appropriate to the identified needs of the juvenile, including:
1. Family counseling
 2. Urinalysis
 3. Monitoring
 4. Substance abuse counseling/treatment
 5. Mental health services
- I. Officers shall issue Miranda warnings prior to any questioning (or prior to obtaining the juvenile's signature on the PDC if the juvenile is

not questioned).

- J. Officers shall explain to the juvenile the difference between an arrest and a PDC.
- K. If a camera is readily available, officers issuing a PDC should take a photo of the juvenile and upload it into the appropriate Department database.
- L. Juveniles issued PDCs shall not be transported to the JAC.

III. DOCUMENTATION REQUIREMENTS

- A. Officers who interact with a juvenile offender who is subject to arrest shall document in the offense report or arrest paperwork the following information:
 - 1. The reason(s) the PDC was or was not issued,
 - 2. The date of the juvenile's last arrest or last PDC (if applicable), and
 - 3. The name of the JAC employee who completed the criminal history/PDC inquiries.
- B. Officers shall document all PDC refusals in the offense and arrest paperwork.
- C. Officers shall document the results of their contact or attempted contact with the juvenile's parent/guardian in the offense and arrest reports.
- D. In situations where the parent declines to respond to take custody of a juvenile who has been issued a PDC, the officer shall document the refusal in the offense report.
- E. Officers shall include the elements of the crime and all pertinent information on the PD 405B and the offense report, including:
 - 1. Height and weight,
 - 2. Race and gender, and
 - 3. Social Security Number (if known).

IV. SUPERVISOR RESPONSIBILITIES

In their review of juvenile arrest/PDC documents, supervisors are responsible for ensuring:

- A. Juvenile(s) issued PDCs meet the criteria for PDC issuance, or
- B. Officer clearly stated in a Probable Cause the reason the juvenile did not qualify for a Prearrest Delinquency Citation. And,
- C. Officer followed the documentation requirements as outlined in section III above.

V. PDC LIAISON RESPONSIBILITIES

- A. The PDC Liaison shall review all completed PDCs to ensure correctness and compliance with Department policy and take appropriate steps as directed to remedy any protocol or policy issues.
- B. When notified by the Prearrest Delinquency Citation Case Manager that a juvenile has successfully completed the program, the PDC Liaison shall complete a supplemental report with an “exceptionally cleared” disposition.
- C. The PDC Liaison shall follow up and issue the appropriate offense/supplemental/arrest reports documenting that the juvenile has committed a delinquent act if the juvenile:
 - 1. Fails to report for a work assignment in a timely manner,
 - 2. Fails to complete a work assignment,
 - 3. Fails to comply with the assigned intervention services within the prescribed time period,
 - 4. Commits a new offense prior to completion of the program, or
 - 5. Does not successfully complete the PDC program.
- D. In the event a juvenile commits a new offense prior to completing the program requirements, the PDC Liaison will charge the juvenile with the original offense.
- E. The PDC Liaison is responsible for the completion of an annual

written review and evaluation of the effectiveness of the PDC program.

VI. NON-CRIMINAL SEXTING (1st VIOLATION)

A. In accordance with FS 847.0141, a minor commits the violation of sexting when he or she knowingly:

1. Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person which depicts nudity, as defined in FS 847.001, and is harmful to minors, as defined in FS 847.001.
2. Possesses a photograph or video that was transmitted or distributed by another minor which depicts nudity, as defined in FS 847.001, and is harmful to minors, as defined in FS 847.001.
3. A minor does not commit the violation of sexting if all of the following apply:
 - a. The minor did not solicit the photograph or video.
 - b. The minor took reasonable steps to report the photograph or video to the minor's legal guardian or to a school or law enforcement official.
 - c. The minor did not transmit or distribute the photograph or video to a third party.

B. Investigation

1. An officer must complete an investigation and comply with this policy and FS 847.0141.
2. If an officer develops probable cause for a non-criminal sexting violation, they may issue a Sexting Citation.
3. If a Sexting Citation is issued, send an email to CIB at tpdcidoncallnotify@talgov.com.
4. If the officer needs additional assistance, they may request an on-call SVU detective through their supervisor.

VII. CRITERIA FOR ISSUING A NON-CRIMINAL SEXTING CITATION

An officer may issue a Non-Criminal Sexting Citation (PD337) upon contacting a minor offender and establishing probable cause for the offense when **all** of the following criteria are met:

- A. The minor must be under 18 years of age,
- B. The minor commits a noncriminal sexting violation for a first violation.
- C. The minor must agree to sign and accept a Sexting Citation indicating a promise to appear before the juvenile court.
- D. In lieu of appearing in court, the minor may:
 - 1. Complete eight (8) hours of community service work,
 - 2. Pay a \$60 civil penalty (plus court costs), or
 - 3. Participate in a cyber-safety program if such a program is locally available.
- E. The minor must satisfy any penalty within thirty (30) days after receipt of the citation.

VIII. PROCEDURES FOR ISSUING A SEXTING CITATION

- A. Upon determining probable cause exists to issue a non-criminal sexting citation to a minor, officers are responsible for determining the eligibility of the minor for issuance of a sexting citation as described in section VII above.
- B. Officers shall verify the identity of the minor by means of available identification or through the minor's parent/ guardian.
- C. Officers shall contact the Juvenile Assessment Center (JAC) to inquire about any previous Sexting Citations the minor has received, which determines if the violation is civil or criminal.
- D. Officers shall attempt to contact the parent/guardian prior to any interview, and if contact is made, should request the parent to respond to the location.
- E. Officers shall issue Miranda warnings prior to any questioning (or prior to obtaining the minor's signature on the Sexting Citation if the

TALLAHASSEE POLICE DEPARTMENT

minor is not questioned).

- F. Officers shall explain the Sexting Citation and the requirement to contact the Youth Services Case Manager within 7 days to the minor and the parent/guardian, along with the possible consequences of not doing so within the timeframe.
- G. The signature of the minor on the Sexting Citation attests to their agreement.
- H. Officers shall ensure the right thumbprint of the minor is placed in the bottom right corner on the Sexting Citation.
- I. Officers should also request the signature of the parent/guardian on the Sexting Citation.
- J. Officers shall explain to the minor the difference between an arrest and a Sexting Citation.
- K. Officers shall provide a copy of the completed Sexting Citation to the minor or parent/guardian.
- L. Minors issued Sexting Citations shall not be transported to the JAC.
- M. The original Sexting Citation should be turned in to the supervisor for routing through records.
- N. Refusal to Accept Sexting Citation
 - 1. If a minor refuses to sign the citation, advise them that their refusal will be noted; however, the case will still be routed to the court. Explain the possible repercussions noted in 2-3 below.
 - 2. Notate "refused to sign" on the signature line of the minor and explain it in the incident report. Submit the completed Sexting Citation as usual and document in LERMS report.
 - 3. A minor who fails to comply with the citation waives his or her right to contest it, and the court may impose any of the penalties identified in FS 847.0141(2) or issue an order to show cause.
 - 4. Upon a finding of contempt, the court may impose additional age-appropriate penalties, which may include issuance of an order to the Department of Highway Safety and Motor Vehicles to withhold

TALLAHASSEE POLICE DEPARTMENT

issuance of, or suspend the driver's license or driving privilege of, the minor for thirty (30) consecutive days.

5. The court may not impose incarceration.

N. If a Sexting Citation is issued, send an email to the SVU Supervisor at tpdcidoncallnotify@talgov.com so they may conduct any needed follow-up.

IX. EVIDENCE COLLECTION FOR SEXTING INVESTIGATIONS

- A. Officers who respond to a suspected Sexting incident should take possession of the device(s) used during the incident.
- B. The device(s) shall be impounded in accordance with General Order 42 (Impounding and Controlling of Property and Evidence).
- C. Do not request that images be transmitted to you, or upload them into Evidence.com.
- D. Gather information about what application(s), email, etc., were used to send/receive the images(s)/video(s)
- E. Gather information about who the images(s)/video(s) were sent to or received from, and the circumstances surrounding the transmission.
- F. Request information about where the image(s)/video(s) may be stored in addition to the device (i.e., Google Photos, cloud storage, etc.).
- G. Request that the minor or parent/guardian sign a consent form to have the image(s)/video(s) retrieved from the device.

X. DOCUMENTATION REQUIREMENTS FOR SEXTING INVESTIGATIONS

- A. All reported incidents of sexting shall be documented in an offense report, regardless of whether a Sexting Citation is issued.
- B. Officers who issue a Sexting Citation (PD337) shall address all boxes and select the appropriate violation.
- C. Officers who issue a Sexting Citation (PD337) shall document in the offense report the following information:
 - 1. The probable cause to issue a sexting Citation.

2 Description and current location of the device used in the incident.

- D. Officers shall document any Sexting Citation refusal to sign in the offense.
- E. Officers shall document the results of their contact or attempted contact with the minor's parent/guardian in the offense and arrest reports.
- F. In situations where the parent declines to respond to take custody of a minor who has been issued a Sexting Citation, the officer shall document the refusal in the offense report.
- G. The Sexting Citation report should be classified as "open/inactive" when issued.

XI. SUPERVISOR RESPONSIBILITIES (SEXTING)

In their review of Sexting Citation documents, supervisors are responsible for ensuring:

- A. Minors issued a Sexting Citation, meet the criteria for the Citation issuance, or
- B. The officer followed the documentation requirements as outlined in section III above.

XII. ADDITIONAL SEXTING VIOLATIONS

- A. A second offense of sexting is a misdemeanor if the minor was found to have previously committed a non-criminal violation for sexting, or if they have satisfied the penalty imposed in lieu of a court appearance.
- B. A request for a pick-up order must be submitted for an arrest of a misdemeanor sexting offense.
- C. Any subsequent act of a sexting offense after the minor was found to have committed a misdemeanor is a felony.

XIII. CIB RESPONSIBILITIES FOR SEXTING CITATIONS

- A. The Special Victim's Unit supervisor shall review all completed Sexting Citations to ensure correctness and compliance with

TALLAHASSEE POLICE DEPARTMENT

Department policy and take appropriate steps as directed to remedy any protocol or policy issues.

- B. When notified by the Youth Services Case Manager that a minor has successfully completed the assigned penalty(ies), the SVU supervisor, or designee, shall complete a supplemental report with an “exceptionally cleared” disposition.
- C. If the minor fails to complete the process with the court, the Youth Services Case Manager and the Clerk of Courts will handle the matter with the court.

History: previous title (*missing juveniles*) – issued 10/01/1993, retired 05/05/1995. current title – issued 08/01/1997, revised 12/15/2000, 10/29/2001, 04/08/2004, 04/24/2009, 04/28/2014, 02/23/2018, 02/28/2023, and 03/17/2025.